# REMARKS

Claims 43, 47, 48, 50, 54, 55, 57, 61, 62, 64-81 and 95-97 are pending in the present application. By this Amendment, claims 64 - 66 have been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated April 5, 2004.

## Allowable Subject Matter:

Applicants gratefully acknowledge the indication that claims 47, 48, 50, 54, 55, 61, 62, 67-81 and 95-97 have been allowed as indicated in item 4, page 6 of the Action.

## As To The Merits:

As to the merits in this case, the Examiner relies upon the newly cited reference of Lee et al. (U.S. Publication NO: 2002/0048399) in setting forth the following rejections:

1)   claims 43 and 57 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hsu (of record), and Avinash (of record) in view of Lee; and

2)   claims 64-66 stand rejected under 35 U.S.C.§103(a) as being unpatentable over Hsu and Avinash in view of Murata (of record).

Each of these rejections is respectfully traversed.

## Independent Claim 43 and 57:

With regard to claims 43 and 57, the Examiner relies on the newly cited reference of <u>Lee</u> <u>et al.</u> However, it is respectfully submitted that rejection of claims 43 and 57 is improper and must be withdrawn since the newly applied reference of <u>Lee et al.</u> fails to qualify as prior art under 35 U.S.C. §102 or §103. More specifically, <u>Lee et al.</u> has a filing date of October 19, 2001 which falls after the August 28, 1997 effective filing of the present application based on the international filing date of PCT/JP97/02997 (as well as the November 1, 1999 filing of the Parent application). Accordingly, withdrawal of this rejection is respectfully requested.

## Independent Claims 64-66:

Each of independent claims 64 - 66 has been amended to specify that the object portion of a region having a mean value <u>smaller than a predetermined threshold</u> is extracted out of the plurality of regions.

For example, as discussed on page 55 of the present application and as illustrated in steps S115 and S117 of Fig. 26, a step of extracting region R as the object portion is performed when the mean value mdp(R) of the depth information is smaller than a threshold value depth.

It is respectfully submitted that the applied reference of <u>Murata</u> fails to disclose or fairly suggest the features now set forth in each of claims 64 – 66. That is, clearly <u>Murata</u>'s disclosure regarding "the region row having the greatest mean value of the depth information is extracted"[1] fails to constitute extracting as said object portion a region having said mean value small than a

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[1] Please see, lines 64-65, column 35 of <u>Murata</u>.

predetermined threshold out of said plurality of regions, as now called for in each of independent claims 64-66. Accordingly, withdrawal of this rejection is respectfully requested.
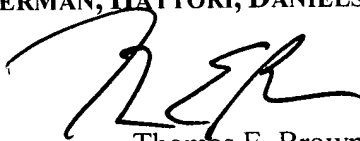
In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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